

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALI DIABAT, Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

- *against* -

CREDIT SUISSE GROUP AG, AXEL P. LEHMANN,
ULRICH KÖRNER, DIXIT JOSHI, THOMAS
GOTTSTEIN, DAVID R. MATHERS, ANTÓNIO
HORTA-OSÓRIO, and
PRICEWATERHOUSECOOPERS AG,

Defendants.

Case No. 1:23-cv-5874-CM

[rel. 1:23-cv-04458-CM]

NOTICE OF THE CREDIT SUISSE DEFENDANTS' MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Credit Suisse Defendants' Motion to Dismiss, the Declaration of Nicholas N. Matuschak, and all prior pleadings and proceedings had herein, Defendants Credit Suisse Group AG ("CS"), Axel P. Lehmann, Ulrich Körner, Dixit Joshi, Thomas Gottstein, and David R. Mathers will move this Court, before the Honorable Colleen McMahon, on a date and at a time to be determined by the Court, at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order dismissing all claims asserted against them in the Consolidated Amended Class Action Complaint (ECF No. 65) in the above-referenced action in accordance with Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that Defendant António Horta-Osório has not yet been served and undersigned counsel are not presently authorized to accept or waive service of the Consolidated Amended Class Action Complaint on his behalf, so he does not join this motion. In

the event he is subsequently served or consents to waive service, we will promptly notify the Court as to whether he joins the arguments for dismissal advanced by the moving Defendants.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule set by the Court during the conference held on September 7, 2023, Plaintiffs shall file any response to this motion no later than November 21, 2023, and Defendants shall file any reply in support of this motion no later than December 7, 2023.

Dated: October 27, 2023

Respectfully submitted,

/s/ Herbert S. Washer

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